

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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THE SECRETARY OF THE U.S.  
DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT, an agency of  
the UNITED STATES OF AMERICA,

Plaintiffs,

-against-

KINGS COUNTY PUBLIC  
ADMINISTRATOR, as Administrator of  
the Estate of Dolores Sartori, deceased;  
NEW YORK STATE DEPARTMENT OF  
TAXATION AND FINANCE; NEW  
YORK CITY ENVIRONMENTAL  
CONTROL BOARD; DEPARTMENT OF  
SOCIAL SERVICES OF THE CITY OF  
NEW YORK; CAMELLA L. JOHNSON;  
“JOHN DOE #1-5” and “JANE DOE #1-  
5”, said names being fictitious,  
it being the intention of plaintiff to  
designate any and all occupants, tenants,  
persons or corporations, if any, having  
or claiming an interest in or lien upon the  
premises being foreclosed herein,

Defendants.

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**MEMORANDUM AND ORDER**

Case No. 22-CV-7925-FB-RER

**BLOCK, Senior District Judge:**

Magistrate Judge Reyes has issued a report and recommendation (“R&R”) recommending that a default judgment of foreclosure and sale be entered in this case.

The R&R gave the parties 14 days to file objections and warned that “[f]ailure to file timely objections waives the right to appeal the District Court’s Order.” R&R at 10. It was served by mail on September 22, 2023, making objections due on October 9, 2023. *See* Fed. R. Civ. P. 6(d). No objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without de novo review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will, however, excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R, so the Court adopts it without de novo review. Accordingly, the Clerk shall enter judgment (1) ordering the foreclosure and sale of 1578 East 34th Street, Brooklyn, New York 11234, (2) appointing Frank Pellegrini to conduct the sale, (3) directing that Pellegrini receive a fee of \$750 from the proceeds of the sale, (4) directing that the plaintiff receive \$917,033.01, plus costs of \$1,133.36 and post-judgment interest, from the proceeds of

the sale, and (5) dismissing defendants “John Doe #1-5” and “Jane Doe #1-5.”

**SO ORDERED.**

/S/ Frederic Block  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
October 31, 2023